

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

W.F.,

Plaintiff,

v.

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW
YORK; CHURCH OF THE RESURRECTION; and
WILLIAM T. WHITE,

Defendants.

Index No.: _____

JURY TRIAL DEMANDED

**Child Victims Act Proceeding
22 NYCRR 202.72**

VERIFIED COMPLAINT

Plaintiff W.F. ("Plaintiff"), by and through his attorneys, Lowey Dannenberg, P.C., respectfully alleges for his Verified Complaint against Defendants The Roman Catholic Archdiocese of New York ("NY Archdiocese"); Church of the Resurrection; and William T. White ("Fr. White") (collectively "Defendants"), and alleges upon personal knowledge and, where stated, upon information and belief, as follows:

INTRODUCTION

1. From approximately 1972 to 1973, Father William T. White ("Fr. White") of Church of the Resurrection, sexually abused Plaintiff as a child.
2. The NY Archdiocese knew for decades that its priests, clergy, seminarians, religious brothers, religious sisters, school administrators, teachers, employees, and volunteers were using their positions within the NY Archdiocese to groom and to sexually abuse children.

Despite that knowledge, the NY Archdiocese failed to take reasonable steps to protect children from being sexually abused and actively concealed the abuse.

3. In April of 2019, following decades of denial and cover-up, the NY Archdiocese released a list of 120 priests that it determined had been credibly accused of sexual abusing children. Based on the NY Archdiocese's years of wrongful conduct, a reasonable person could and would conclude that it knowingly and recklessly disregarded the abuse of children and chose to protect its reputation and wealth over those who deserved protection. The result is not surprising: hundreds, if not thousands, of children were sexually abused by Catholic clergy and others who served the NY Archdiocese. The Plaintiff in this lawsuit is one of those children who was sexually abused because of the NY Archdiocese's wrongful conduct.

4. This action is brought by Plaintiff W.F., who was just a young boy at age 11 and 12 years old when was sexually abused by Fr. White, a former diocesan priest. While the abuse occurred, Defendants were generally negligent in that they employed Fr. White and gave him access to children. This action arises out of the clandestine abuse perpetrated by Fr. White during the 1970's and thereafter when employed by Defendant NY Archdiocese. During Fr. White's career working as a diocesan priest, including at Defendant Church of the Resurrection, Fr. White repeatedly and continuously molested and sexually abused Plaintiff. Plaintiff strongly believes there were other victims. Fr. White repeatedly abused Plaintiff, through the employ and negligence of Defendants at Defendant Church of the Resurrection.

PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72

5. This Verified Complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse

in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each plaintiff's claims were time barred the day they turned 22 years old. The enactment of the CVA allows plaintiffs, for the first time in their lives, to pursue restorative justice in New York State.

PARTIES

A. Plaintiff

6. Plaintiff W.F. is a resident of the State of Connecticut. Plaintiff is approximately 58 years of age. Plaintiff was sexually abused as a minor by Fr. White at Defendant Church of the Resurrection.

7. Plaintiff was repeatedly and continuously abused by Fr. White at Defendant Church of the Resurrection.

8. Plaintiff brings this action under a pseudonym having simultaneously sought leave of Court.

B. Defendants

1. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

2. Defendant Roman Catholic Archdiocese of New York ("NY Archdiocese") is incorporated as a domestic not-for profit corporation in the State of New York and maintains its principal place of business at 1011 First Avenue, New York, NY 10022.

3. Defendant NY Archdiocese is the Roman Catholic diocese covering the

ecclesiastical geographic jurisdictions of the Boroughs of Manhattan, the Bronx, and Staten Island, and the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

4. The NY Archdiocese operates its affairs as both a corporate entity and as the organization known as the Archdiocese of New York. Both of these entities and all other affiliated corporations and entities controlled by the Archbishop are included in this Verified Complaint as the “NY Archdiocese.” The NY Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

5. Upon information and belief, at all relevant times Defendant Church of the Resurrection is a Roman Catholic parish, church, and school located in Rye, New York at 910 Boston Post Road.

6. Defendant William T. White (“Fr. White”) was a NY Archdiocese priest who worked at Defendant Church of the Resurrection at the time of Plaintiff’s abuse.

7. Fr. White’s name is included in Defendant NY Archdiocese’s published “List of Archdiocesan Clergy Credibly Accused of Sexual Abuse of a Minor or the Subject of Eligible IRCP Compensation Claims.”¹

8. In 1997 a man reported to the NY Archdiocese that Fr. White sexually abused him over a three-year period, beginning when the man was a 17-year-old Archbishop Stepinac High School student in the 1970s. Fr. White admitted to the abuse. Fr. White was not removed from ministry until March 2002. In 2004, Fr. White was accused in a lawsuit of having sexually abused a boy, ages 9-11, from 1959 to 1961, at Holy Cross parish in Manhattan.

¹ See <https://archny.org/list> (last visited on August 18, 2019).

9. Upon information and belief, Fr. White resides in West Palm Beach, Florida.

JURISDICTION AND VENUE

10. Jurisdiction of this Court is found upon C.P.L.R. § 301 as Defendants' principal places of business are in New York and because the unlawful conduct complained of herein occurred in New York.

11. Jurisdiction of this Court is found upon C.P.L.R. § 302 in that Defendants transact business within the State and committed the acts described here within this State.

12. Venue lies in this Court pursuant to C.P.L.R. § 503(a), (c) and (d) and other laws in that one or more Defendants are authorized to transact business in this State and have their principal office located in the State of New York and County of Westchester; Westchester County is the location where the events giving rise to the claim occurred; and C.P.L.R. §509 in that Plaintiff has designated Westchester County for the trial.

FACTUAL ALLEGATIONS

13. At all times material, Fr. White was a Roman Catholic priest who worked for, was employed by, and acted as an agent, employee, and servant of the NY Archdiocese and Church of the Resurrection under its direct supervision, management, agency, and control.

14. Fr. White was ordained by Defendant NY Archdiocese as a diocesan priest and took his vows in 1958. He served as a diocesan priest in the NY Archdiocese until he was transferred with approval of the Archbishop of the Archdiocese of New York to the Diocese of Palm Beach, Florida in approximately 1994, even though Fr. White had been accused of sex abuse allegations in the 1970s.

15. In Florida, Fr. White worked at south Palm Beach County area parishes, including St. Vincent Ferrer in Delray Beach and St. Vincent de Paul Regional Seminary in Boyton Beach

until he was removed from ministry and forced out of St. Vincent de Paul parish in March 2002 after a background check turned up a letter implying past molestation troubles.

16. Defendants placed Fr. White in positions where he had access to and worked with children as an integral part of his work.

17. Fr. White's duties were to tend to the spiritual and emotional needs of parish families and their children while employed by Defendants.

18. Plaintiff was raised in a devout Roman Catholic family, attended parochial schools from kindergarten through grade 8 and was a minor parishioner at the Church of the Resurrection School in Rye, New York, in the NY Archdiocese.

19. Plaintiff and Plaintiff's family came in contact with Fr. White as an agent and representative of Defendants.

20. Plaintiff, as a youth, participated in activities at Defendant Church of the Resurrection, including as an altar boy at mass at church related functions.

21. Plaintiff was taught to have great admiration, reverence, and respect for the Roman Catholic Church, including Defendants and their agents, including Fr. White.

22. Defendants had custody of Plaintiff during his schooling and activities as an altar boy. Defendants were entrusted with Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

23. From approximately 1972 to 1973, when Plaintiff was approximately 11 to 12 years old, Fr. White engaged in unpermitted sexual abuse of Plaintiff that traumatized Plaintiff and continues to haunt and disturb him.

24. Defendants should have taken action to prevent Fr. White from interacting with children without supervision.

25. Defendants had the authority, duty, and the ability to prevent Fr. White from sexually abusing children such as Plaintiff W.F. Defendants failed to do so.

CAUSES OF ACTION

COUNT I

Negligence

(Against All Defendants)

26. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

27. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

28. Each Defendant owed Plaintiff a duty of care because each Defendant had a special relationship with Plaintiff.

29. Defendants also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children in the Archdiocese of New York to properly train and supervise its priests. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendants had a duty to establish measures of protection for infant minors.

30. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because of their oversight and employment of Fr. White.

31. Defendants also had a duty to take reasonable steps to prevent Fr. White from using the tasks, premises, and instrumentalities of his position to target and sexually abuse children, including W.F.

32. Defendants owed Plaintiff a duty of reasonable care because Fr. White brought

Plaintiff onto Church of the Resurrection parish premises; undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Fr. White, out as safe to work with children; encouraged parents and children to spend time with their agents; and/or encouraged their agents, including Fr. White, to spend time with, interact with, and recruit children.

33. By accepting custody of the minor Plaintiff, Defendants established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendants entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the Plaintiff, Defendants also held a position of empowerment over Plaintiff. Further, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position. Defendants, through its employees, put the minor Plaintiff at risk for sexual abuse.

34. By establishing and/or operating the NY Archdiocese and Church of the Resurrection, holding their facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, and provide a reasonably safe environment for children. Defendants owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendants had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

35. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because Defendants invited Plaintiff onto their property and Fr. White posed a dangerous condition on Defendants' property.

36. Each Defendant breached its duties to Plaintiff. Defendants failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. Defendants' breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the employees at institutions and programs within Defendants' geographical confines, failure to train the parishioners within Defendants' geographical confines about the dangers of sexual abuse by clergy, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

37. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Fr. White posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendants had about child sexual abuse.

38. Defendants additionally violated a legal duty by failing to report known and/or suspected abuse of children by Fr. White and/or its other agents to the police and law

enforcement.

39. Prior to the sexual abuse of Plaintiff, Defendants learned or should have learned that Fr. White were not fit to work with children. Defendants, by and through their agents, servants and/or employees, became aware, or should have become aware of Fr. White's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at the NY Archdiocese and Church of the Resurrection were safe.

40. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

41. However, despite this knowledge, Defendants negligently deemed that Fr. White was fit to work with children.

42. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child at its facilities, Plaintiff was a foreseeable victim. Additionally, as a vulnerable child who Fr. White had access to through Defendants' facilities, Plaintiff was a foreseeable victim.

43. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants.

COUNT II
Negligent Training and Supervision of Employees
(Against NY Archdiocese and Church of the Resurrection)

44. Plaintiff re-alleges and incorporates by reference the allegations contained in all

prior paragraphs as if fully stated in this Count.

45. At all times material, Fr. White was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein. Fr. White engaged in the wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

46. Defendants had a duty, arising from their employment of Fr. White, to ensure that he did not sexually molest children.

47. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

48. Defendants were negligent in the training, supervision, and instruction of their employees. Defendants failed to timely and properly educate, train, supervise, and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. Defendants were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Fr. White and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Fr. White's sexual abuse of Plaintiff. In failing to properly supervise Fr. White, and in failing to establish such training procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

49. As a direct result of the foregoing, Plaintiff was sexually abused and sustained emotional and psychological injuries. The sexual abuse and resulting injuries to Plaintiff were

caused solely and wholly by reason of the negligent failures of Defendants in the training and/or supervising of its employees.

COUNT III
Negligent Retention of Employees
(Against NY Archdiocese and Church of the Resurrection)

50. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

51. At all times material, Fr. White was employed by Defendants and was under each Defendant's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

52. Defendants negligently retained Fr. White with knowledge of Fr. White's propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendants failed to investigate Fr. White's past history of sexual abuse and, through the exercise of reasonable diligence, should have known of Fr. White's propensity for child sexual abuse. Defendants should have made an appropriate investigation of Fr. White and failed to do so. An appropriate investigation would have revealed the unsuitability of Fr. White for continued employment and it was unreasonable for Defendants to retain Fr. White in light of the information they knew or should have known.

53. Defendants negligently retained Fr. White in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.

54. In failing to timely remove Fr. White from bringing minors onto parish property or working with children or terminate the employment of Fr. White, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

55. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants in the retention of its employees.

COUNT IV
Outrage and Intentional Infliction of Emotional Distress
(Against All Defendants)

56. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

57. Defendants engaged in reckless, extreme, and outrageous conduct by providing Fr. White with access to children, including Plaintiff W.F., despite knowing or in willful blindness that he would likely use his position to groom and to sexually abuse children, including W.F. Their misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by them of the consequences that would follow.

58. As a result of this reckless, extreme, and outrageous conduct, Fr. White gained access to W.F. and sexually abused him.

59. Defendants knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and W.F. did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

COUNT V
Negligent Infliction of Emotional Distress
(Against All Defendants)

60. Plaintiff re-alleges and incorporates by reference the allegations contained in all

prior paragraphs as if fully stated in this Count.

61. Defendants owed a duty of care to Plaintiff not to place Fr. White in a setting that would foreseeably pose a danger to Plaintiff.

62. Defendants knew or should have known that Fr. White was a danger to children before Fr. White sexually assaulted Plaintiff.

63. Defendants knew or should have known that Fr. White had a propensity to engage in conduct with children that was sexual in nature before Fr. White sexually assaulted Plaintiff.

64. Defendants breached their duties to Plaintiff by failing to use reasonable care. Defendants' failures include, but are not limited to, failing to properly supervise Fr. White, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

65. The negligence and conduct of Defendants unreasonably endangered the physical safety of Plaintiff.

66. The aforementioned negligence of Defendants was a direct and proximate cause of the extreme emotional and psychological harm and distress suffered by Plaintiff and unreasonably endangered Plaintiff's safety.

67. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT VI
Assault
(Against All Defendants)

68. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

69. Fr. White intentionally placed Plaintiff W.F. in apprehension of imminent harmful and offensive conduct.

70. Defendant Church of the Resurrection is liable for the conduct of Fr. White under the law of vicarious liability, including the doctrine of *respondeat superior*.

71. Defendant NY Archdiocese is liable for the conduct of Fr. White under the law of vicarious liability, including the doctrine of *respondeat superior*.

72. As a direct result of conduct described herein, Plaintiff has suffered the injuries and damages described herein.

73. The conduct of Defendants was both reckless and outrageous, entitling Plaintiff to an award of punitive damages.

COUNT VII
Premises Liability
(Against NY Archdiocese and Church of the Resurrection)

74. Plaintiff re-alleges and incorporates by reference the allegations contained in all prior paragraphs as if fully stated in this Count.

75. Defendants owed Plaintiff a duty to protect Plaintiff from harm because the Defendants invited Plaintiff onto their property.

76. Fr. White posed a dangerous condition on the Defendants' property.

77. Defendants allowed Fr. White to remain on its property even though it knew or should have known of Fr. White's 's dangerous sexual propensities.

78. Fr. White was dangerous, unsafe, and posed a risk of serious injury to any persons who were lawfully in and about said area.

79. Defendants knew or should have known of the danger posed by Fr. White , and despite said notice, Defendants failed, refused, and/or neglected to remove, reassign, or restrict Fr. White's 's access to children, and was otherwise careless and negligent such that a great risk

of serious injury to persons who are lawfully in and about said area was caused and/or allowed to exist.

80. Defendants knew or should have known that Fr. White posed an unreasonable risk of harm and a foreseeable danger to Plaintiff.

81. Defendants knew or should have known that Fr. White was a danger to children before Fr. White sexually assaulted Plaintiff.

82. Defendants knew or should have known that Fr. White was not fit to work with children and had a propensity to engage in conduct with children that was sexually abusive in nature before Fr. White sexually abused Plaintiff.

83. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages, and for any other relief the Court deems appropriate, including punitive damages.

The amount of damages sought in this Verified Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

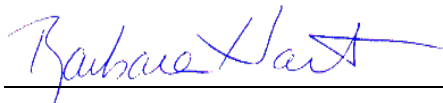
JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable. Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

Dated: White Plains, New York
August 28, 2019

LOWEY DANNENBERG, P.C.

By: _____



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VERIFICATION

STATE OF NEW YORK):
): ss:
COUNTY OF WESTCHESTER):

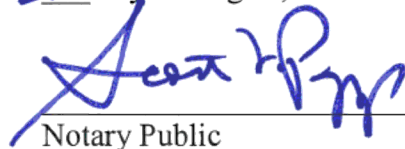
I, **REDACTED** being duly sworn, deposes and says:

I am the Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, the same are true to my own knowledge, except as to the matters therein which are stated to be alleged on information and belief, and as to those matters I believe to be true.

REDACTED

REDACTED

Sworn to before me this
28th day of August, 2019.



Notary Public

SCOTT V. PAPP
Notary Public, State of New York
No. 02PAS210401
Qualified in New York County
Commission Expires: **8.17.21**

The original, unredacted Verification
is on file with Plaintiff's counsel.